

House Bill 3322

Sponsored by Representative KOTEK (at the request of ILWU Local 8 AFL-CIO)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies conditions under which individuals unemployed because of lockout are not disqualified from unemployment insurance benefits.

A BILL FOR AN ACT

Relating to unemployment insurance; creating new provisions; and amending ORS 657.200.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 657.200 is amended to read:

657.200. (1) An individual is disqualified for benefits for any week with respect to which the Director of the Employment Department finds that the unemployment of the individual is due to a labor dispute [*which*] **that** is in active progress at the factory, establishment or other premises at which the individual is or was last employed or at which the individual claims employment rights by union agreement or otherwise.

(2) When an employer operates two or more premises in the conduct of business they shall be considered one premises for the purposes of this chapter if the labor dispute at one makes it impossible or impractical to conduct work at the others or in a normal manner.

(3) This section does not apply if it is shown to the satisfaction of the director that the individual:

(a) Is unemployed due to a lockout, as defined in ORS 662.205, at the factory, establishment or other premises at which the individual was last employed; [*and*]

[*(A) The lockout is not the result of a labor dispute between a multiemployer bargaining unit and an employer other than the employer last employing the individual; and*]

[*(B) The recognized or certified bargaining agent has announced to the employer that individuals with whom the employer is engaged in the labor dispute are ready, willing and able to work pending the negotiation of a new contract under the current terms and conditions of employment last offered by the employer immediately prior to such bargaining agent announcement or, if there has been no employer offer, under the terms and conditions of employment immediately prior to such bargaining agent announcement; and*]

[*(C) The employer employs individuals who were not employed by the employer immediately prior to the labor dispute, to replace the individuals unable to work during the lockout; or*]

(b) Is not participating in or financing or directly interested in the labor dispute [*which*] **that** caused the unemployment of the individual; [*and*] **or**

(c) Does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises at which the labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) An individual who meets all other applicable benefit eligibility requirements of this chapter
2 is not disqualified from receipt of benefits by this section if:

3 (a) The individual was laid off from the employer prior to commencement of the labor dispute,
4 did not work for the employer more than seven days during the 21 calendar days immediately prior
5 to the commencement of the labor dispute and meets the requirements of subsection (3)(b) of this
6 section; or

7 (b) During the labor dispute, the individual's job or position is filled by the employer hiring a
8 permanent replacement and the following conditions are met:

9 (A) The individual subsequently unilaterally abandons the labor dispute and affirmatively seeks
10 reemployment with the employer; and

11 (B) The individual meets the requirements of subsection (3)(b) of this section.

12 (5) An individual who maintains membership in a labor union or who continues to pay labor
13 union dues does not violate the provisions of subsection (3)(b) of this section, for the purpose of
14 subsection (4) of this section.

15 **SECTION 2. The amendments to ORS 657.200 by section 1 of this 2007 Act apply only to**
16 **claims for unemployment insurance benefits made on or after the effective date of this 2007**
17 **Act.**

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